

days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc.77-937 Filed 1-10-77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on January 25 and 26, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 3 p.m., respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Massachusetts.

PROPOSED AGENDA

1. Discussion of foreign fee schedules and fishing regulations.
2. Status of emergency management plans.
3. Review of foreign permit applications, if any.
4. Staff recruitment and operations.
5. Other matters related to fisheries management.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact:

Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts.

on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc.77-935 Filed 1-10-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Amendment to Notice of Public Meeting

Notice is hereby given of a change in the convening and adjournment of the meeting January 25-27, 1977, 9 a.m. to 5 p.m., in the Polk Room at the Howard Johnson's Motor Lodge, Motor Inn Plaza, Lake Buena Vista, Florida, of the South Atlantic Fishery Management Council which was published in the FEDERAL REGISTER January 6, 1977, Volume 42, Number 4.

The meeting will now convene at noon on January 25 and at 9 a.m. on January 26 and 27. The meeting will adjourn each day at 5 p.m. with the exception of January 27 at which time the meeting will adjourn at noon. An additional item to the proposed agenda is also added, "3. Review of foreign fishing applications, if any." The location remains unchanged.

Dated: January 5, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc.77-934 Filed 1-10-77;8:45 am]

TRANSFER OF A FISHING VESSEL TO A COMPANY UNDER FOREIGN CONTROL

Receipt of Application for Approval

Notice is hereby given that on November 26, 1976, the Maritime Administration of the Department of Commerce received an application from Robert G. Earl, 1537 E. Roy Road, Freeland, Washington 98249, for approval of the sale of the 32.1' registered length vessel *Honey B.*, O.N.560373, and three undocumented vessels (*Jenny Wren*, WN-485-W, *Polly Ann II*, WN-176-W, and an unnamed vessel, WN-175-W) to Pacific Sea-Pro, Inc., 2321 58th Avenue E., Tacoma, Washington 98404. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808.835), because 100 percent of the stock of Pacific Sea-Pro, Inc., a U.S. corporation, is owned by Mrs. Sachiko Otsuha, a Japanese citizen, and the contemplated sale of the vessels, therefore, would be to a company under foreign

control. Pacific Sea-Pro, Inc., has informed the National Marine Fisheries Service that the vessels will be operated primarily for horse clam and geoduck.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Accordingly, the Service solicits the written comments of interested persons in regard to this application.

Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than February 10, 1977. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: January 4, 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.
[FR Doc.77-919 Filed 1-10-77;8:45 am]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Western Pacific Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Western Pacific Council will have authority, effective March 1, 1977, over fisheries within the conservation zone adjacent to the State of Hawaii, American Samoa and Guam. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held on February 1, 2, 3, and 4, 1977, in the Marianas Room of the Guam Hilton Hotel, Agaña, Guam. The daily sessions will commence at approximately 9 a.m. and adjourn at 5 p.m.

PROPOSED AGENDA

1. Administrative report.
2. Review of budget estimates.
3. Status of preliminary fishery management plans.
4. Proposed regulations and fees for foreign fishing in the region.
5. Review of foreign fishery applications, if any.
6. Fishery problems of the Marianas.
7. Review of fishery development priorities in the western Pacific.
8. Other matters related to fisheries management.

This meeting is open to the public and there will be seating for approximately

30 public members on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Wilvan G. Van Campen, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1596, Honolulu, Hawaii 96813.

on or about 10 days before the meeting.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc.77-938 Filed 1-10-77;8:45 am]

COMMISSION OF FINE ARTS MEETING

JANUARY 5, 1977.

The Commission of Fine Arts will meet in open session on Tuesday, January 25, 1977 at 10 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20005 to discuss various projects affecting the appearance of Washington, D.C.

Other meetings of the Commission during 1977 are scheduled for 22 February, 22 March, 26 April, 24 May, 28 June, 26 July, 23 August, 27 September, 25 October 22 November, and 27 December, 1977.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-920 Filed 1-10-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 663-2]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

On July 23, 1976, the Environmental Protection Agency (EPA), by notice pub-

lished in the FEDERAL REGISTER (41 FR 30383), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f-6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to a number of actions taken to revise California's motor vehicle emissions control program. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame. In addition, in those instances where the same vehicles or engines are subject to both Federal and California standards, the California standards and accompanying enforcement procedures are deemed not to be consistent with section 202(a) if any testing required to demonstrate compliance of a vehicle or engine with the California standard would not satisfy a comparable testing requirement for demonstrating compliance with the applicable Federal standard.

The public hearing was held in Los Angeles, California, on August 25 and 26, 1976, and the following three issues were addressed:

(i) Exhaust emission standards and test procedures for 1978 model year medium duty vehicles;

(ii) Application of the fuel evaporative emission standard and test procedure (SHED test) to 1978 and subsequent model year medium duty vehicles and heavy duty vehicles; and

(iii) Fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles. The record was kept open until September 10, 1976, for the submission of written material, data or arguments by interested persons.

This decision will deal solely with the first item above, exhaust emission standards and test procedures for 1978 model year medium duty vehicles. The second item is still under consideration and a decision will be published as soon as a determination has been made. A decision on the third item, fill pipe and opening specifications, has recently been published in the FEDERAL REGISTER.

With respect to California's exhaust emission standards and test procedures for 1978 model year medium duty ve-

hicles, I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore I am compelled to grant the requested waiver of Federal preemption. The record of the hearing and the other information available time clearly indicate that California requires standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, that the requisite technology is currently available, and that there appears to be adequate lead time to permit the application of this technology to 1978 model year medium duty vehicles. For the 1978 model year the EPA will accept the data used to successfully certify any medium duty vehicle under the California test procedure as demonstrating that the engine in such vehicle complies with applicable Federal standards, and a Federal certificate for this engine will be issued on this basis.

II. BACKGROUND

The need for better methods for determining emissions from vehicles in the 6000 to 8500 pound gross vehicle weight class has long been recognized by both the Federal government and California. On February 12, 1976, the EPA published a Notice of Proposed Rulemaking (41 FR 6279) to expand the light duty truck class by changing the upper weight limit from 6,000 to 8,500 pounds GVWR. These regulations were recently promulgated in final form, with the expanded light duty truck definition applicable to 1979 and subsequent model years. On March 31, 1976, the California Air Resources Board (CARB) established a new classification of motor vehicles known as "medium duty vehicles." On the same day the CARB adopted exhaust emission standards and test procedures for these medium duty vehicles for the 1978 model year. The California test procedures were subsequently amended on June 30, 1976.

A medium duty vehicle is defined by the CARB as a subset of the heavy duty vehicle class, and is any motor vehicle (except a passenger car) with a gross vehicle weight rating (GVWR) of between 6000 and 8500 pounds. The California exhaust emission standards applicable to these vehicles for the 1978 model year are 0.9 grams per vehicle mile (g/m) hydrocarbons (HC), 17 g/m carbon monoxide (CO), and 2.3 g/m oxides of nitrogen (NO_x). The testing will be performed on a chassis dynamometer, under a procedure which is basically the same as the Federal light duty truck procedure.

As noted above, according to the CARB definition, medium duty vehicles are a subset of the California heavy duty ve-

hicle class. If the medium duty vehicle category had not been established, these vehicles would continue to be classified as heavy duty vehicles, and would therefore be regulated by having engine exhaust emissions measured on an engine dynamometer under the heavy duty engine test procedure. The medium duty vehicle category was established in recognition of the fact that the majority of vehicles between 6,000 and 8,500 pounds GVWR are used more for personal transportation than for transporting goods, and are consequently driven in an urban environment similar to light duty trucks. As a result, the emissions characteristics of these vehicles would be more appropriately measured and regulated under the light duty truck procedure rather than the heavy duty engine procedure.

As stated above, Federal regulations have recently been promulgated for 1979 and subsequent model years to expand the light duty truck class by changing the upper weight limit from 6000 to 8500 pounds GVWR. The new EPA definition of light duty truck, however, does not include vehicles which have an actual curb weight of greater than 6000 pounds, because EPA has determined that a substantial portion of vehicles with curb weights greater than 6000 pounds are commercial, and not personal transportation vehicles. As a result the expanded Federal light duty truck class does not encompass every vehicle in CARB's medium duty vehicle class (i.e., those vehicles whose curb weight is greater than 6000 pounds and whose GVWR is between 6000 and 8500 pounds). This Federal expanded light duty truck class, though, is only applicable to 1979 and subsequent model years. With regard to the 1978 model year, therefore, all vehicles within the CARB medium duty vehicle class will be heavy duty vehicles for Federal purposes, and thereby subject to Federal heavy duty engine regulations.

III. Discussion

Stringency. In order for California to receive a waiver for its medium duty vehicle standards, it must "require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions." In this instance the applicable Federal standards are the Federal heavy duty engine standards. The Federal standards currently applicable to 1978 model year heavy duty engines are 16 grams per brake horsepower-hour (g/bhp-h) HC plus NOx (as NO₂), and 40 g/bhp-h CO, as measured under the engine dynamometer procedure.

California standards are considered to be more stringent if they may result in some further reduction in air pollution over what would be achieved with the Federal standards. It is difficult to quantitatively compare the 1978 model year California and Federal standards applicable to vehicles in the 6000 to 8500 pound GVWR class, due to the radically different test procedures involved in determining compliance with these stand-

ards. However, it is generally agreed that the California standards will require manufacturers of medium duty vehicles to use additional emission control hardware over what was required to meet the Federal standards. Specifically, manufacturers will be adding catalytic converters and exhaust gas recirculation in order to meet the California requirements. See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption with Respect to Medium Duty Vehicles, Application of SHED Test Procedure, and Fill Pipe and Opening Specifications, August 25 and 26, 1976, at 52, 128, 135 (hereinafter "Tr."). The emission control hardware is required to reduce emissions in operating modes embodied in the CARB's medium duty test procedure (including the driving cycle) that are not emphasized in the engine dynamometer test procedure. In addition, data gathered by the CARB indicate that exhaust emission reductions over that obtained under the Federal standards will be achieved under the California medium duty standards, as a result of the application of additional emission control technology. See Tr. at 174-75. The only manufacturer who questioned the relative stringency of the California standards was the American Motors Corporation (AMC). See Tr. at 149. However, in response to EPA's Notice of Proposed Rulemaking concerning expansion of the light duty truck class, AMC stated in their comments dated April 9, 1976, that additional emission control devices and systems (catalytic converters, transmission controlled spark, and in some cases air injection) would have to be installed on vehicles between 6000 and 8500 pounds GVWR in order to meet the proposed Federal standards of 1.7 g/m HC, 18 g/m CO, and 2.3 g/m NOx.

Based upon all the information available to me, and the technical judgment of my staff, I conclude that the California 1978 model year medium duty vehicle exhaust emission standards are more stringent than applicable Federal standards.

Technology and Lead Time. The technology required to meet the California standards is currently available, and includes the use of oxidation catalysts, air pumps and exhaust gas recirculation. See Tr. at 12, 87, 128, 135-36. The question is whether there is sufficient lead time available to apply this technology to 1978 model year medium duty vehicles and certify these vehicles for sale in California.

The question of lead time will be discussed with respect to the California medium duty vehicle standards alone, and will not consider the time required for a single engine configuration to meet both the California standards as tested in a vehicle on a chassis dynamometer, and the Federal heavy duty engine standards as tested on an engine dynamometer. In order to simultaneously meet the Federal and California standards, the information provided by various manufacturers at the hearing indi-

cates that there is insufficient lead time to apply the requisite technology to 1978 model year vehicles. See Tr. at 39, 40-41, 51-53, 104. Information provided by the Ford Motor Company explained the complexity of the "cross testing" that would be required to design a vehicle that would meet both the California standards on the vehicle dynamometer test cycle and the Federal standards on the engine dynamometer test cycle. See Tr. 54-60. Furthermore, as will be discussed later, the Congressional intent behind section 209(b) concerning whether the California standards and accompanying enforcement procedures are "consistent with section 202(a)" strongly implies that a manufacturer should not be subjected to a testing requirement to determine compliance with California standards which does not satisfy a comparable testing requirement for demonstrating compliance with applicable Federal standards. In this case, EPA intends to accept the California test data for the purposes of issuing Federal certificates of conformity.

With regard to the lead time necessary to meet the California requirements, two actions taken by the CARB reduce the lead time burden for various manufacturers. On June 30, 1976, the CARB adopted certain changes to the certification vehicle selection process. The purpose of these changes is to minimize the certification effort and lead time problems by reducing the need for special medium duty durability vehicles, provided that the medium duty and light duty truck emission control systems are essentially the same. See Tr. at 13. As stated by representatives of the Ford Motor Company, these changes permit "carryover" and "carry-up" of California light duty truck engine codes into the medium duty class, and use of carry-over light duty truck deterioration factors. The changes also limit certification and quality audit testing to high volume transmission/inertia weight/axle combinations of unique medium duty engine codes. See Tr. at 37. These amendments will permit Ford to significantly reduce the number of unique, new engine codes or calibrations which will have to undergo certification testing. See id. The General Motors Corporation and the American Motors Corporation, however, stated that they would not be able to take advantage of the carryover and carry-up provisions. See Tr. at 130-31, 152-53.

The second action taken by the CARB to eliminate lead time problems for certain manufacturers was to provide an exemption from the 1978 model year medium duty vehicle requirements to any manufacturer who did not produce any 1977 model year light duty vehicles for sale in California. See Tr. at 29-31. At the present time International Harvester is the only manufacturer who is expected to take advantage of this exemption. See Tr. at 30. Since the requisite technology to meet the medium duty standards generally consists of the application of existing light duty truck

technology, the purpose of the CARB exemption provision was to reduce the lead time problem for a manufacturer who has not had experience with emission control hardware on light duty trucks.

In light of these actions taken by California and due to the fact that the EPA will accept California certification data for Federal purposes,¹ it appears that there is sufficient lead time for manufacturers to meet the California requirements by the 1978 model year. Statements made by the Ford Motor Company indicate that although Ford agrees with this conclusion, they nevertheless expect there to be a two month delay in the start of 1978 model year medium duty vehicle production. See Tr. at 39, 46.² The General Motors Corporation indicated that based upon the actions taken by the CARB, and assuming that EPA will accept California data for Federal purposes, they expect to be able to certify a full line of 1978 model year medium duty vehicles for sale in California, in spite of the fact that General Motors will not be able to take advantage of the carryover and carry-up provisions discussed earlier. However, General Motors further stated that compromises would have to be made in areas of development testing other than emissions, such as fuel economy. See Tr. at 116-23, 126-27. The Chrysler Corporation stated that they expect to market nearly a full line of 1978 medium duty vehicles in California, although there would have to be some compression of their model line offerings and there is insufficient time to permit a normal development and certification program. See Tr. at 138-40. The American Motors Corporation initially stated that there was insufficient time to purchase the required test equipment and undertake the necessary develop-

ment and certification programs in order to market the medium duty vehicles they would otherwise expect to sell in California (this amounts to a total of approximately 3000 units). See Tr. at 150-51. However, upon being questioned with regard to this statement, American Motors stated that if the waiver were granted, they would market a single line of Jeep vehicles for sale in California. See Tr. at 155-56. From all the statements made by various manufacturers at the hearing, it appears that there is sufficient lead time to permit manufacturers to meet the California 1978 model year medium duty vehicle exhaust emission standards and to certify a sufficient variety of medium duty vehicles to satisfy the basic market demand in California.

With regard to the cost of compliance with the medium duty vehicle exhaust emission standards for the 1978 model year, the CARB has estimated that the incremental cost of applying the necessary additional emission control hardware (beyond that already in use to comply with the current heavy duty engine standards) will be \$100 per vehicle. See CARB Staff Report 76-6-2 "Public Hearing to Consider Proposed Changes to Regulations Regarding Approval of 1978 and Subsequent Model Light-Duty Trucks and Heavy-Duty Engines," March 31, 1976, at 9. Very little cost information was provided at the EPA hearing. None of the manufacturers at the EPA hearing indicated any disagreement with the CARB estimates. Although there may be some additional costs due to the development and certification programs required to be undertaken by the manufacturers, no specific cost information was provided.

Based upon all the information available to me, I cannot conclude that with respect to medium duty vehicles, the technology required to meet the California exhaust emission standards and test procedures cannot be applied to the 1978 model year.

Objections to Granting the Waiver. Certain manufacturers objected to the California medium duty vehicle exhaust emission standards and test procedures on the grounds that these requirements are not consistent with section 202(a) of the Clean Air Act. See Tr. at 76-77, 92-96, 137-38, 150. These manufacturers argued that it would be inconsistent with section 202(a) to require a single vehicle or engine to undergo both vehicle dynamometer certification testing to meet the California medium duty vehicle requirements, and engine dynamometer certification testing to meet the Federal heavy duty engine standards. As a result, the manufacturers contend that under the criteria of section 209(b) of the Act the waiver request must either be denied, or EPA must be willing to accept California medium duty vehicle certification data for Federal purposes. As mentioned above, I have decided that for the 1978 model year EPA will accept the data used to successfully certify any medium duty vehicle under the California

test procedure as demonstrating that the engine in such vehicle complies with applicable Federal standards, and a Federal heavy duty engine certificate for this engine will be issued on this basis.³

Various manufacturers also objected to section 18 (formerly section 15) of the California medium duty vehicle exhaust emission standards and test procedures, which provides an exemption from the 1978 model year medium duty vehicle requirements to any manufacturer who did not produce any 1977 model year light duty vehicles for sale in California. See Tr. at 29-31, 39-40, 69-71, 90-92. In order for a manufacturer to take advantage of this exemption, the manufacturer must demonstrate to the CARB that there is inadequate lead time to apply or purchase the hardware needed to meet the 1978 standards, and must state that an additional year of lead time will allow such hardware to be applied or purchased. Objections to this exemption provision were raised both on grounds of being inconsistent with section 202(a), and on constitutional grounds as being in violation of the equal protection guarantees of both the United States and California Constitutions. See Tr. at 69-71, 90-92.

I have determined that I cannot agree with the manufacturers' position. Concerning the constitutional claim, regardless of the validity of this argument, the EPA waiver hearing is not the proper forum in which to raise it. Cf. 41 FR 44209, 44212 (October 7, 1976) (motorcycle exhaust emission waiver). Questions concerning the constitutionality of the California regulations are beyond the scope of my review under section 209(b).

With regard to whether the exemption provision is inconsistent with section 202(a), the concept of consistency with section 202(a) only involves EPA inquiry into the burden that compliance with the California requirements will have on the affected manufacturers. Similarly, questions as to whether EPA could adopt this exemption provision at the Federal level are beyond my scope of review in a California waiver situation.

The authority of California to adopt and enforce regulations arguably includes that administrative flexibility to exempt from or waive applicability of the requirements for whatever purpose is appropriate to California. The mere inclusion of an exemption provision should have no bearing on this inherent flexibility. As was noted in the previous waiver decision for fill pipe standards, the inclusion of an exemption provision was strongly supported by the manufacturers.

Findings. Having given due consideration to the record of the public hearing, all material submitted for the record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards

³This presumption of compliance with Federal standards includes the smoke standard applicable to Diesel heavy duty engines.

¹Automatic issuance of a Federal Certificate of Conformity for an engine family which includes medium duty vehicles certified for sale in California will occur only if all California requirements have been met. This may not always be the case. For example, if in a single engine family a manufacturer elects to qualify for sale in California only three discrete engine codes, and desires to sell nationwide (except in California) additional engine codes in that same family, he will have to qualify the entire engine family, including those additional engine codes, for a Federal Certificate of Conformity under either the currently existing Federal heavy duty engine certification procedures, or optionally under the 1979 light-duty truck procedures at the level of the 1978 light-duty truck standards. The latter option has been provided to the industry, for other purposes, under the new 40 CFR 86.078-1(b). If such additional qualification is necessary, EPA will accept to the degree relevant under Federal procedures data from any vehicle that was tested for the purpose of obtaining the California certificate.

²Ford also conditioned their estimates on certain changes being required to California's evaporative emission testing program for medium duty vehicles (SHED test). California's medium duty SHED waiver request is currently under consideration, and the concerns raised by Ford will be discussed in the forthcoming SHED waiver decision.

(other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California exhaust emission standards for 1978 model year medium duty vehicles are more stringent than applicable Federal standards, which are the Federal heavy duty engine standards.

3. Compelling and extraordinary conditions continue to exist in the State of California. The State oxidant pollution problem remains the worst in the nation. The testimony of the representatives of the CARB revealed that unless a virtual shutdown of Los Angeles is assumed, no current projections indicate that compliance with the ambient air quality standards can be achieved for California's South Coast Air Basin, a region which contains five percent of the nation's population.

4. With respect to 1978 model year medium duty vehicles, I cannot find that the California exhaust emission standards and test procedures, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act. Taking into account the cost of compliance, I find that the requisite technology is currently available and that there appears to be adequate lead time to permit the application of this technology so as to achieve compliance with the California requirements by the 1978 model year.

IV. DECISION

Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to its exhaust emission standards and test procedures for 1978 model year medium duty vehicles, as found in section 1959 of Title 13, California Administrative Code, adopted March 31, 1976, as amended June 30, 1976, and "California Exhaust Emission Standards and Test Procedures for 1975 Through 1978 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended June 30, 1976. For the 1978 model year EPA will accept the data used to successfully certify any medium duty vehicle under the California test procedures as demonstrating that the engine in such vehicle complies with applicable Federal standards, and Federal certificates of conformity for this engine will be issued on this basis.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the standards and test procedures are also available

* Although this decision deals solely with medium duty vehicles, an implicit waiver is included for the June 80 test procedure amendments as they relate to 1978 model year light duty trucks.

upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Dated: January 4, 1977.

JOHN QUARLES,
Acting Administrator.

[FR Doc. 77-820 Filed 1-10-77; 8:45 am]

[FRL 663-7]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION Renewal and Name Change

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Management Advisory Group to the Municipal Construction Division (formerly the Technical Advisory Group to the Municipal Construction Division) is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Management Advisory Group to the Municipal Construction Division through December 1, 1977, unless otherwise sooner terminated, will be filed at the Library of Congress.

JOHN QUARLES,
Acting Administrator.

JANUARY 4, 1977.

[FR Doc. 77-905 Filed 1-10-77; 8:45 am]

[FRL 663-6; OPP-00040]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC)

Open Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held from 8:30 a.m. to 4:30 p.m. on Thursday, January 27, and from 8:30 a.m. to approximately 12:30 p.m. on Friday, January 28. The meeting will be held in Room 3906-3908 of the Environmental Protection Agency, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

This will be the sixth meeting of the full committee. A complete agenda has not, as yet, been developed. However, the agenda will contain items relating to implementation of key sections of the amended Federal Insecticide, Fungicide, and Rodenticide Act. A considerable portion of the available time will also be devoted to Regional reports and to reports by the chairmen of the five Working Groups responsible to SFFIAC. In addition, the chairman of the Working Group on Training, responsible primarily to the Extension Committee on Organization and Policy, will present his report.

The meeting will be open to the public. All communications regarding this meeting should be addressed to P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division, Office of Pesticide Pro-

grams, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. (202) 755-7014.

Dated: January 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 77-906 Filed 1-10-77; 8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. AND UNITED STATES LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 31, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discriminations or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esq., Kurrus and Ash, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007.

Agreement 10276 would permit American Export Lines, Inc., Farrell Lines Incorporated and United States Lines, Inc., to interchange " * * * cargo containers, chassis, trailers and/or related equipment * * *" as circumstances may require in accordance with the terms of the agreement.

Dated: January 4, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

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